

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Collection Agency License
3 of:

No. 10F-BD072-SBD

4 **DCR, LLC and DARO C. WEILBURG, III,**
5 **MEMBER**
5146 W. Piute Avenue
Glendale, AZ 85308

**ORDER OF SUMMARY SUSPENSION
AND NOTICE OF OPPORTUNITY FOR
HEARING**

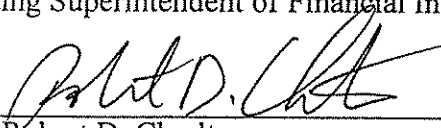
6 Respondents.

7
8 The Arizona Department of Financial Institutions (the "Department") hereby finds that DCR,
9 LLC and Daro C. Weilburg, III, Member, ("Respondents") have violated the provisions of the
10 Arizona Revised Statutes ("A.R.S."), Title 32 as set forth below and finds that the public health,
11 safety and welfare require emergency action pursuant to A.R.S. §§ 32-1053 and 41-1092.11(B).

12 **THEREFORE, IT IS ORDERED** to summarily suspend the Arizona collection agency
13 license held by Respondents. **This suspension is effective immediately.**

14 EFFECTIVE this 8th day of December, 2009.

15 Thomas L. Wood
16 Acting Superintendent of Financial Institutions

17 By 
18 Robert D. Charlton
Assistant Superintendent of Financial Institutions

19
20 PLEASE TAKE NOTICE that, pursuant to Titles 32 and 41 of the Arizona Revised Statutes
21 and Title 20, Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondents are hereby
22 notified that they are entitled to a hearing to contest the allegations set forth in this Order. The
23 Request for Hearing shall be filed with the Arizona Department of Financial Institutions (the
24 "Department") pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this Order and
25 shall identify with specificity the action or order for which review is sought in accordance with
26 A.R.S. § 41-1092.03(B).

1 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or
2 her own behalf or by counsel. If Respondents are represented by counsel, the information required
3 by A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a
4 Request for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for
5 hearing in accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request**
6 **reasonable accommodations such as interpreters, alternative formats, or assistance with**
7 **physical accessibility.** Requests for special accommodations must be made as early as possible to
8 allow time to arrange the accommodations. If accommodations are required, call the Office of
9 Administrative Hearings at (602) 542-9826.

10 Respondents have the right to request an Informal Settlement Conference, pursuant to A.R.S.
11 § 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled
12 hearing. The conference will be held within **fifteen (15) days** after receipt of your request. If an
13 Informal Settlement Conference is requested, a person with the authority to act on behalf of the
14 Department will be present (the "Department Representative"). Please note that in requesting an
15 Informal Settlement Conference, Respondents waive any right to object to the participation of the
16 Department Representative in the final administrative decision of this matter, if it is not settled. In
17 addition, any written or oral statement made by Respondents at such informal settlement conference,
18 including written documentation created or expressed solely for purposes of settlement negotiations,
19 are inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules
20 regarding informal settlement conferences.) Conversely, any written or oral statement made by
21 Respondents outside an Informal Settlement Conference is not barred from being admitted by the
22 Department in any subsequent hearing.

23 If Respondents do not request a hearing, this Order shall become final. If Respondents
24 request a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the
25 issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the
26 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time

1 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,
2 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-
3 132; (3) the suspension or revocation of Respondents' license pursuant to A.R.S. § 32-1053; (4) an
4 order to pay restitution of any fees earned in violation of A.R.S. §§ 32-1001, *et seq.*, pursuant to
5 A.R.S. §§ 6-131(A)(3) and 6-137; and (5) an order or any other remedy necessary or proper for the
6 enforcement of statutes and rules regulating collection agencies pursuant to A.R.S. §§ 6-123 and 6-
7 131.

8 FINDINGS

9 1. Respondent DCR, LLC ("DCR") is an Arizona corporation authorized to transact
10 business in Arizona as a collection agency, license number CA 0909868, within the meaning of
11 A.R.S. §§ 32-1001, *et seq.* The nature of DCR's business is that of directly or indirectly soliciting
12 claims for collection or in collection of claims owed, due or asserted to be owed or due, within the
13 meaning of A.R.S. § 32-1001(2).

14 2. Respondent Daro C. Weilburg, III ("Mr. Weilburg") is the sole member of DCR.

15 3. Pursuant to A.R.S. § 32-1021(B)(2), Respondents are required to have a surety bond
16 in the amount set forth in A.R.S. § 32-1021(B)(2).

17 4. On October 26, 2009, the Department received notification from Platte River
18 Insurance Company stating that DCR's surety bond, number 41164202 in the amount of \$10,000.00,
19 is cancelled.

20 5. On November 6, 2009, the Department sent correspondence to Respondents, to the
21 email address on record with the Department, informing them of the bond cancellation. On
22 November 11, 2009, the Department received documentation that the correspondence was received
23 by the Respondents.

24 6. Respondents failed to provide documentation regarding the reinstatement of their
25 bond or documentation of a new surety bond.

26 7. Respondents do not have the required surety bond in order to conduct business as a

1 collection agency.

2 8. The conduct described above constitutes an immediate threat to the public health,
3 safety, and welfare warranting immediate suspension of Respondents' collection agency license.

4 9. The conduct described above constitutes grounds for the suspension of Respondents'
5 collection agency license.

6 LAW

7 1. Pursuant to A.R.S. Title 32, Chapter 9, the Superintendent has the authority and duty
8 to regulate all persons engaged in the collection agency business and with the enforcement of
9 statutes, rules, and regulations relating to collection agencies.

10 2. By the conduct set forth in the Findings, Respondents have failed to maintain the
11 surety bond required by A.R.S. § 32-1021(B)(2).

12 3. Pursuant to A.R.S. §§ 32-1053 and 41-1092.11(B), the conduct described above
13 constitutes an immediate threat to the public health, safety and welfare warranting immediate
14 suspension of Respondents' collection agency license.

15 4. Respondents have not conducted business in accordance with the law and have
16 violated Title 32, Chapter 9, which constitutes grounds for the suspension or revocation of
17 Respondents' license pursuant to A.R.S. § 32-1053(A)(3).


18 5. The violations, set forth above, constitute grounds for the pursuit of any other remedy
19 necessary or proper for the enforcement of statutes and rules regulating collection agencies in
20 Arizona pursuant to A.R.S. §§ 6-123 and 6-131.

21 6. Pursuant to A.R.S. § 6-132, Respondents' violations of the aforementioned statutes
22 are grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each violation
23 for each day.

24 WHEREFORE, if Respondents do not request a hearing to contest the above Findings or
25 produce evidence of a valid surety bond, Respondents' license shall remain suspended unless and
26 until reinstated or until said license expires by operation of law.

1 DATED this 8th day of December, 2009.

2 Thomas L. Wood
3 Acting Superintendent of Financial Institutions

4 By 
5 Robert D. Charlton
6 Assistant Superintendent of Financial Institutions

7 ORIGINAL of the foregoing filed this 8th
8 day of December, 2009, in the office of:

9 Thomas L. Wood
10 Acting Superintendent of Financial Institutions
11 Arizona Department of Financial Institutions
12 ATTN: Susan Longo
13 2910 N. 44th Street, Suite 310
14 Phoenix, AZ 85018

15 COPY mailed/delivered same date to:

16 Craig A. Raby
17 Assistant Attorney General
18 Attorney General's Office
19 1275 West Washington
20 Phoenix, AZ 85007

21 Richard Fergus, Licensing Division Manager
22 Robert D. Charlton, Assistant Superintendent
23 Arizona Department of Financial Institutions
24 2910 N. 44th Street, Suite 310
25 Phoenix, AZ 85018

26 AND COPY MAILED SAME DATE, by
Certified Mail, Return Receipt Requested to:

Daro C. Weilburg, III, Member
DCR, LLC
5146 W. Piute Avenue
Glendale, AZ 85308

Lloyd Vincent, Statutory Agent
DCR, LLC
8780 E. McKellips Rd., #3396
Scottsdale, AZ 85257

